

OSD BOARD AGENDA ITEM

Name of Contributor: **Dr. Jesus Vaca**

Date of Meeting: **February 20, 2019**

- A. Preliminary _____
Study Session _____
Report _____
- B. Hearing: _____
- C. Consent Agenda _____
- D. Action Items X
- E. Approval of Minutes _____
- F. Board Policies 1st Reading _____ 2nd Reading _____

REDUCTION IN FORCE: REDUCTION OR DISCONTINUANCE OF PARTICULAR KINDS OF SERVICE AND ADOPTION OF RESOLUTION NO. 18-25 (Vaca)

DESCRIPTION OF AGENDA ITEM:

Oxnard School District (District) administration projects that there will be budget constraints in the 2019-20 school year driven by declining enrollment in the District and the continued underfunding of education at the State and Federal level.

Education Code states that the District must notice certificated staff no later than March 15 of each year if the District plans or anticipates possible reductions in personnel. Based on the budget constraints anticipated in the 2019-20 school year because of the District's declining enrollment and the continued underfunding of education at the State and Federal level, the administration recommends preparing for a reduction in force as a precautionary strategy. Based on known attrition and assessment of the levels at which reductions must be made, staff has determined that certificated services must be reduced in the following service areas and specified quantity of FTEs:

Kind of Service	Full-Time Equivalent Positions (FTEs)
K-6 Multiple Subject Teachers	24.0
Single Subject - Math	2.0
Single Subject - English Language Arts/Language Arts	4.0
Single Subject - Physical Education	3.0
Single Subject – Social Science	3.0
Single Subject – Science	2.0
Teacher on Special Assignment – Music	1.0
Teacher on Special Assignment – Art	1.0
Teacher on Special Assignment - English Learners (District Office)	5.0
Teacher on Special Assignment - English Learners (Newcomers)	1.0
Teacher on Special Assignment – Technology	2.0
Instructional Specialist – Math	1.0
Instructional Specialist – Science	1.0

Kind of Service (Continued)**Full-Time Equivalent
Positions (FTEs)**

Assistant Principals	6.0
Director, Educational Services	1.0
Nurse Coordinator	1.0

Total FTEs 58.0

District staff has prepared a resolution that must be adopted to authorize the reduction of certificated services in the specified service areas and amounts. Employees will be laid off in reverse order of seniority, with all probationary employees being deemed less senior than permanent employees. The resolution includes tiebreaking criteria to establish an order of seniority among employees sharing the same seniority date, and “skipping” criteria to retain employees teaching certain subjects critical to the District, regardless of seniority.

The tiebreaking criteria are the same as the criteria adopted by the Board for the certificated layoffs in 2012 and 2013.

Following approval of the resolution, by March 15, staff will identify the most junior employees in each of the service areas; identify any other assignments from which those employees might “bump” less senior employees, and mail notices of intent to lay off each of the affected employees. The Board will be advised of the names of the affected employees before March 15.

FISCAL IMPACT:

None.

RECOMMENDATION:

It is recommended that the Board of Trustees adopt the Reduction in Force and Resolution No. adoption of Resolution No. 18-25, as presented.

ADDITIONAL MATERIAL(S):

- Resolution No.: 18-25: Reduction or Discontinuance of Particular Kinds of Service

DISTRICT GOAL ONE:

All Students Will Achieve High Academic Standards in a Nurturing, Creative and Technology Rich Learning Environment that Prepares Students for College and Career Opportunities.

**BEFORE THE BOARD OF EDUCATION OF THE
OXNARD SCHOOL DISTRICT**

RESOLUTION No. 18-25

**REDUCTION OR DISCONTINUANCE OF PARTICULAR KINDS OF SERVICE
(EDUCATION CODE §§ 44949 and 44955)**

WHEREAS, the Superintendent of the Oxnard School District (“District”), has determined that it is in the best interest of the District, and the welfare of the students thereof, to reduce or discontinue certain particular kinds of services, hereinafter enumerated, and has recommended to the District’s Governing Board (“Board”) that the District reduce particular kinds of service no later than the beginning of the 2019-2020 school year; and

WHEREAS, the recommendation includes the assessment that it shall be necessary to reduce the following particular kinds of service of the District no later than the beginning of the 2019-2020 school year:

Kind of Service	Full-Time Equivalent Positions (FTEs)
K-6 Multiple Subject Teachers	24.0
Single Subject - Math	2.0
Single Subject - English Language Arts/Language Arts	4.0
Single Subject - Physical Education	3.0
Single Subject – Social Science	3.0
Single Subject – Science	2.0
Teacher on Special Assignment – Music	1.0
Teacher on Special Assignment – Art	1.0
Teacher on Special Assignment - English Learners (District Office)	5.0
Teacher on Special Assignment - English Learners (Newcomers)	1.0
Teacher on Special Assignment - Technology	2.0
Instructional Specialist – Math	1.0
Instructional Specialist – Science	1.0
Assistant Principals	6.0
Director, Educational Services	1.0
Nurse Coordinator	1.0
Total FTEs	58.0

AND WHEREAS, the Governing Board is required by law to give notice, by March 15, 2019, to all certificated employees affected by any decision to reduce or eliminate these particular kinds of service;

IT IS RESOLVED THAT:

- A. The Board hereby determines to reduce or discontinue services as specified in the recommendation set forth in the recitals above, no later than the beginning of the 2019-2020 school year.
- B. The Board hereby determines that, as the result of the above-stated reduction of particular kinds of service (the "Reduction in Force"), it will be necessary to terminate at the end of the 2018-2019 school year the employment of certificated employees of the District in a quantity and kind equal to the FTEs specified in the recommendation set forth in the recitals above.
- C. Pursuant to Education Code section 44955(d), the Board hereby determines that there is a specific need at the District for personnel to teach specific courses of study or provide pupil personnel or health services, and to retain certificated employees possessing the special training and experience needed to teach such courses or provide such services that other employees with greater seniority do not possess. The specific needs of the District in this respect are set forth in Exhibit A to this Resolution and are incorporated as though fully set forth herein.
- D. In accordance with California Education Code section 44955(d), the Board hereby determines that the Reduction in Force shall not include any permanent or probationary certificated employee who, by his/her training, experience, and assignment, is described within Exhibit A to this Resolution.
- E. In order to implement this Reduction in Force, it may be necessary to apply tie-breaking criteria to distinguish among certificated employees who first rendered paid probationary service to the District on the same date. Pursuant to Education Code section 44955(b), the Board determines that the order of layoff as between employees who first rendered paid service to the District on the same date shall be established on the basis of the criteria set forth in Exhibit B to this Resolution, which are incorporated as though fully set forth herein.
- F. The criteria set forth in Exhibit B to this Resolution shall also be used to determine the order of reemployment among those certificated employees who first rendered paid probationary service to the District on the same date. The Superintendent, or his designee, has the discretion to determine the appropriate weight of such criteria and the order in which such criteria are most relevant to serve the needs of the District and students in each tie-breaking situation.
- G. In accordance with California Education Code section 44955(b), the District resolves that it will retain employees who are certificated and competent to render services over more senior employees who are not certificated and/or competent to render the same services. "Certificated" shall mean that an

employee possesses a credential issued by the California Commission on Teacher Credentialing that authorizes him/her to render instruction or services in the subject matter area in which he/she claims to be entitled to render instruction or services, or has been lawfully exempted or received a waiver from the credential requirement. The criteria set forth in Exhibit C to this Resolution shall be used to determine whether an employee is competent to render services, and such criteria are incorporated as though fully set forth herein.

- H. The Superintendent is directed to send appropriate notices to all employees affected by the above-described reduction of a particular kind of service in accordance with the provisions of the California Education Code, to take all necessary action to implement this Resolution, and to afford the employees all rights to which they are entitled under the law and applicable Collective Bargaining Agreement(s).

PASSED AND ADOPTED by the Governing Board of the Oxnard School District this 20th day of February 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

Veronica Robles-Solis
President, Board of Trustees
Oxnard School District

Monica Madrigal Lopez
Clerk, Board of Trustees
Oxnard School District

Exhibit A

“SKIPPING” CRITERIA PURSUANT TO EDUCATION CODE SECTION 44955(d)(1)

The District shall retain certificated employees in the particular kind of services identified in Resolution No. 18-25, regardless of their seniority, to the extent one or more of their assignments meet any of the following criteria:

1. Certificated personnel who possess a credential authorizing the teaching of special education classes, who are presently assigned within the scope of that credential, and who will be assigned within the scope of that credential for the 2019-2020 school year.
2. Certificated personnel who possess a Bilingual Cross-cultural Language and Academic Development (BCLAD) Certificate, who are presently assigned within the scope of that credential, and who will be assigned within the scope of that credential for the 2019-20120 school year.

Employees who meet any of the foregoing criteria for some but not all of their assignment(s) shall be retained only as to that portion of their assignment(s) in 2019-2020 that meets the foregoing criteria.

The Superintendent or designee is authorized to determine which employees qualify to be “skipped” from the Reduction in Force and to determine the manner in which the foregoing criteria shall be applied to each employee.

Exhibit B

TIEBREAKING CRITERIA PURSUANT TO EDUCATION CODE SECTION 44955(b)

Employees sharing the same first date of paid probationary service to the District shall be awarded tiebreaking points on the following basis:

Criterion	Points
Possession of credential(s) authorizing service for the District on March 15, 2019	3 for each professional clear 2 for each preliminary 1 for each of any other credential
Subject matter authorizations held on March 15, 2019, including supplemental authorizations, on credential(s) authorizing service for the District	1 per authorization
Possession of Bilingual Cross-Cultural Language and Development certificate or its equivalent on March 15, 2019	1
Column placement on salary schedule as of March 15, 2019	1 per applicable column
Service as BTSA Mentor teacher within 2018-2019 school year and/or two immediately preceding school years	3 per school year
Service as Department Chairperson or Instructional Team Leader	1
Possession of a License through the Board of Behavioral Sciences (Educational Psychologist)	3

Employees with a greater number of points shall be considered more senior than employees with a fewer number of points, for purposes of determining order of layoff and order of reemployment.

If application of the foregoing criteria fails to resolve a tie among two or more employees, among the employees who remain tied the employee with the earliest date of issuance of a preliminary or professional clear credential shall be considered the more senior employee. As among employees who remain tied who have never obtained a preliminary or professional clear credential, the employee with the earliest date of issuance of an intern

credential shall be considered the more senior employee. As among employees who remain tied who have never obtained an intern, preliminary, or professional clear credential, the employee with the earliest date of issuance of an emergency or pre-intern credential, provisional intern permit or short-term staff permit shall be considered the more senior employee.

The Superintendent is authorized to determine the number of tiebreaking points to be awarded to each employee and to determine the manner in which the tiebreaking criteria shall be applied to each employee.

The Superintendent is authorized to develop and apply additional supplemental tiebreaking criteria which the District shall use only in the event that the foregoing criteria do not resolve all ties, and which the District shall apply only to those employees who remain tied after the foregoing criteria have been exhausted.

Exhibit C

COMPETENCY CRITERIA PURSUANT TO EDUCATION CODE SECTION 44955(b)

Pursuant to Education Code section 44955(b), “Competent” shall be defined as follows:

- (1) The employee has actually rendered instruction or services in the subject matter area in which s/he claims to be entitled to render instruction or services in or after the 2009-2010 school year, whether for the District or another school district; and
- (2) the employee possesses a BCLAD, CLAD, SB 1969, or other certificate authorizing him/her to instruct English Learner students.